

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Provision of Directory Listing Information)	CC Docket No. 99-273
Under the Communications Act of 1934,)	
As Amended)	
)	
The Use of N11 Codes and Other Abbreviated)	CC Docket No. 92-105
Dialing Arrangements)	
)	
Administration of the North American)	CC Docket No. 92-237
Numbering Plan)	

REPLY COMMENTS OF VERIZON WIRELESS

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April 30, 2002

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Verizon Wireless hereby submits reply comments on the *Notice of Proposed Rulemaking* (“*Notice*”)¹ in the captioned proceedings. Verizon Wireless urges the Commission not to require wireless carriers to implement equal access presubscription for 411 or other dialing patterns that mandate alternative access to wireless directory assistance (“DA”) services.²

SUMMARY

The Commission initiated this proceeding to determine whether the directory assistance marketplace is sufficiently open to competition to make further regulatory action unnecessary.³

¹ Provision of Directory Listing Information Under the Communications Act of 1934, As Amended, The Use of N11 Codes and Other Abbreviated Dialing Arrangements, Administration of the North American Numbering Plan, *Notice of Proposed Rulemaking*, CC Docket Nos. 99-273, 92-105, & 92-237 (rel. Jan. 9, 2002).

² The record shows that there is no basis for the Commission to impose presubscription or other access requirements on either landline or wireless carriers. Verizon Wireless focuses on wireless DA services in these reply comments.

³ *Notice* ¶ 1.

Overwhelming evidence in the record proves that it is. The majority of commenters opposed Telegate's 411 presubscription proposal,⁴ providing consistent evidence that regulatory intervention is not warranted, and the costs of the 411 presubscription proposal would far exceed the benefits.⁵

The Commission did not itself propose to apply the 411 presubscription requirement to wireless carriers, but sought comment in the *Notice* on DA provider InfoNXX's position that no principle of communications regulation or competitive need could support extending 411 presubscription to wireless carriers.⁶ In response, certain commenters agreed that such a requirement was not in the public interest,⁷ while others suggested that 411 presubscription or

⁴ AT&T at 2-3; BellSouth at 2, 9-10; California Public Utilities Commission at 2; Cincinnati Bell at 2; Communications Workers of America at 2; Independent Telephone and Telecommunications Alliance at 2; Pennsylvania Office of Consumer Advocate at 2; SBC at 2; Sprint at 4; SureWest Communications at 2.

⁵ AT&T at 1; Communications Workers of America at 2; Independent Telephone and Telecommunications Alliance at 8; Pennsylvania Office of Consumer Advocates at 2-3; SBC at 3-4; 26; Sprint at 5-7; Verizon at 1, 18-24.

⁶ *Notice* ¶ 40.

⁷ Sprint at 9; Verizon at 5 n.9.

alternative dialing plans could apply to wireless in certain circumstances.⁸ Only one party attempted to demonstrate why 411 presubscription and alternative DA dial patterns should apply to wireless carriers.⁹

The Commission should not require wireless carriers to implement 411 equal access presubscription or other dialing sequences that would provide mandatory alternative access to DA. The Commission lacks a legal basis for imposing such access, and, these requirements are in any event entirely unnecessary. Today when a Verizon Wireless customer dials 411 or 555-1212, Verizon Wireless provides its 411 Connectsm service, routing the call to a contract DA service provider, which then assists customers in obtaining information. The call is then routed back to Verizon Wireless for call completion. Verizon Wireless's 411 Connectsm service offers wireless customers the ability to obtain up to three local and national directory listings per call. Verizon Wireless includes local call completion in the service at no extra charge, making 411

⁸ Cincinnati Bell suggests that the Commission should apply the 411 presubscription requirement to wireless carriers, but only if the Commission imposes the requirement on wireline carriers – an action Cincinnati Bell opposes. Cincinnati Bell at 13. National Telecommunications Cooperative Association takes the same position, arguing that regulatory parity and competitive neutrality would require the Commission to impose the 411 presubscription requirement on wireless carriers if it required it for wireline carriers, but it opposes such a requirement in the first instance. National Telecommunications Cooperative Association at 4. Cellular Directory Information, Inc. favors competition for wireless DA services but not through 411 presubscription. CDI instead recommends the assignment of the 211 abbreviated dialing code for this purpose. Cellular Directory Information, Inc. at 1-2. The Commission has already assigned the 211 code for community referral information.

⁹ Metro One Telecommunications, Inc., *passim*. One other commenter supported a wireless requirement but did so in passing with no supporting facts or argument. Low Tech Designs at 4.

Connectsm service easy to use. In addition to standard directory assistance, 411 Connectsm now also permits customers to access other valuable information and enhanced features.¹⁰

There are already myriad alternatives to Verizon Wireless's 411 Connectsm service in the marketplace, including wireless and wireline Internet access, directory publications, landline DA services, and the DA services of other wireless carriers. If Verizon Wireless customers are not satisfied with 411 Connectsm or any other Verizon Wireless service, they can use one of these other services or switch to another carrier that provides a DA service that better suits their needs. At a time when wireless carriers are spending huge amounts of money on resources to implement the various other regulatory mandates already imposed on the industry, it is inconceivable that the Commission should consider adding yet another mandate, especially one for which there is no perceptible demand, no current technical solution, and extraordinary cost.

I. THE COMMISSION LACKS A LEGAL BASIS ON WHICH TO IMPOSE 411 PRESUBSCRIPTION ON WIRELESS CARRIERS

Metro One Telecommunications, Inc. ("Metro One") argues that the FCC has authority under the Communications Act of 1934 ("Act") to require wireless carriers to provide equal access to DA providers via presubscription.¹¹ Metro One cites several provisions of the Act to support its argument, including Sections 201, 202, 251(b), 251(e), and 332(c)(8). None of these provisions supports such a requirement.

¹⁰ These include, in most markets, national call completion, category searches, movie listings by theater, stock quotes, weather reports, sports scores, and more.

¹¹ Metro One at 7.

A. The Commission May Only Impose Regulations on Wireless Carriers Where There is A Clear Cut Need, Which Does Not Exist For 411 Presubscription

The burden on the Commission to demonstrate the need to impose rules on wireless carriers is particularly high given the deregulatory mandate that Congress adopted for CMRS in the 1993 Budget Act's amendments to Section 332 of the Act. Pursuant to this mandate, the Commission declared that it would impose rules only where clearly necessary, and then only as narrowly as possible: "Congress delineated its preference for allowing this emerging [wireless] market to develop subject to only as much regulation for which the Commission and the states could demonstrate a clear cut need."¹² There is no such need to require wireless carriers to offer presubscription or alternative dialing sequences for access to alternative DA providers.

B. Section 332(c)(8) Does Not Support 411 Presubscription

Despite the fact that Section 332 establishes a deregulatory paradigm for wireless services, Metro One asserts that Section 332(c)(8) requires equal access to DA services because subscribers are being denied access to the DA provider of their choice and such denial is contrary to the public interest.¹³ Metro One goes on to state that because wireless carriers presently deny access to competitive DA providers via any alternate dialing pattern, this is "prima facie" evidence that subscribers are being denied the DA services of their choice, and that

¹² Petition of the Connecticut Department of Public Utility Control to Retain Regulatory Control of the Rates of Wholesale Cellular Service Providers in the State of Connecticut, *Report and Order*, 10 FCC Rcd 7025, 7031 (1995), *aff'd*, Dep't of Pub. Util. Control v. FCC, 78 F.3d 842 (2d Cir. 1996).

¹³ Metro One at 9.

the Commission should order 1010 dialing, 411-ACIC, 555-XXXX, and equal access presubscription as a result.¹⁴ Metro One's arguments are flawed for several reasons.

First, Section 332(c)(8) does not permit any equal access obligations to be imposed on wireless carriers. It provides:

A [CMRS provider] shall not be required to provide equal access to common carriers for the provision of telephone toll services. If the Commission determines that subscribers to such services are denied access to the provider of telephone toll services of the subscribers' choice, and that such denial is contrary to the public interest, convenience, and necessity, then the Commission shall prescribe regulations to afford subscribers unblocked access to the provider of telephone toll services of the subscribers' choice through the use of a carrier identification code assigned to such provider or other mechanism.

The plain language of Section 332(c)(8) evinces Congress's intent not to impose equal access requirements on wireless carriers. When Congress adopted Section 332(c)(8), it made clear that equal access requirements should not apply to wireless carriers because such requirements would inflate the cost of service.¹⁵ As the Commission recognized when it implemented the statute, it simply no longer has authority to require wireless carriers to implement equal access to toll providers.¹⁶

Metro One misreads the statute when it argues that Section 332(c)(8) permits the Commission to impose equal access if the Commission were to determine that subscribers are

¹⁴ *Id.* at 9-11. Presubscription refers to the process by which a customer preselects a carrier to which all of a particular category or categories of a customer's calls will be routed automatically. Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, *Notice of Proposed Rulemaking*, 11 FCC Rcd 14171, 14242 (1996).

¹⁵ H.R. Rep. No. 204(I), 104th Cong., 1st Sess. (1995).

¹⁶ Interconnection and Resale Obligations Pertaining to Commercial Mobile Radio Services, *Order*, 11 FCC Rcd 12456, 12458 (1996) ("*CMRS Equal Access Order*").

being denied access to providers of telephone toll service of their choice.¹⁷ The statutory remedy is not “equal access,” which has historically included many requirements, including “a program of presubscription, balloting and allocation procedures, technical interconnection standards, and the ‘1+’ form of access for presubscribed lines, with 10XXX [or 1010XXX] access for non-presubscribed lines,”¹⁸ but rather “unblocked access,” which the Commission has recognized as something different, either through 10XXX codes or 800 or 950 numbers.¹⁹ Congress certainly could have afforded the Commission authority to order equal access where there is evidence that subscribers are being denied access to providers of telephone toll service, but it did not.²⁰

Second, Section 332(c)(8) only provides the Commission authority to impose alternative dialing for access to “common carriers” that provide “telephone toll services.” Telephone toll

¹⁷ See Metro One at 9.

¹⁸ *CMRS Equal Access Order*, 11 FCC Rcd at 12457 n.2 (citing Equal Access and Interconnection Obligations Pertaining to Commercial Mobile Radio Services, *Notice of Proposed Rulemaking and Notice of Inquiry*, 9 FCC Rcd 5408, 5432 (1994)).

¹⁹ *Id.*, 11 FCC Rcd at 12458 n. 12. See also Personal Communications Industry Association’s Broadband Personal Communications Services Alliance’s Petition for Forbearance For Broadband Personal Communications Services; Biennial Regulatory Review – Elimination or Streamlining of Unnecessary and Obsolete CMRS Regulations; Forbearance from Applying Provisions of the Communications Act to Wireless Telecommunications Carriers; Further Forbearance from the Title II Regulation for Certain Types of Commercial Mobile Radio Service Providers; GTE Petition for Reconsideration or Waiver of a Declaratory Ruling, *Memorandum Opinion and Order and Notice of Proposed Rulemaking*, 13 FCC Rcd 16857, 16895-96 (1998) (Commission forbears from application of TOCSIA unblocking requirements to CMRS providers based on Section 332(c)(8) preference against unblocking).

²⁰ The statute permits the Commission to consider “other” mechanisms than unblocked access, but here again Congress could have but did not use the term “equal access” to describe the remedies that the Commission could order. Having rejected equal access for traditional toll service as unnecessarily costly for the burgeoning wireless industry in 1996, Congress did not leave open the possibility for the Commission to apply equal access in the future.

service means “telephone service between stations in different exchange areas for which there is made a separate charge not included in contracts with subscribers for exchange service.”²¹ The Commission has clarified that it depends on how DA service is implemented whether DA providers can be considered to offer “telephone toll” service, the important distinction being whether the DA provider completes the call itself.²² Metro One concedes that it is not a facilities-based wireless carrier,²³ and today the DA service providers that are vendors for Verizon Wireless do not complete CMRS calls. Thus, even if all of the other components of Section 332(c)(8) permitted the Commission to impose an equal access presubscription requirement on CMRS providers for access to DA service, which they do not, CMRS carriers could not be compelled to provide such access to DA provider that did not themselves complete calls. In addition, if wireless carriers are not required to offer equal access to 411 to entities that complete calls, there certainly should not be a corollary requirement to offer competitive DA access to non-carriers.

Third, even if these hurdles could be overcome, Metro One fails to demonstrate that subscribers are being denied access to alternative DA providers, a prerequisite for regulation

²¹ 47 U.S.C. § 153(48).

²² Provision of Directory Listing Information Under the Telecommunications Act of 1934, As Amended, *First Report and Order*, 16 FCC Rcd 2736, 2746-47 (2001) (Commission found that if a competing DA provider is not actually completing the call, it is not a provider of telephone exchange service under 47 U.S.C. § 153(47) or telephone toll service under 47 U.S.C. § 153(48)). Although the Commission made this conclusion in the context of determining whether DA providers could have access to LEC databases under 47 U.S.C. § 251(b)(3), there is no reason to conclude that competing DA providers would be subject to a different standard when there is a CMRS carrier and not a LEC involved. As discussed below, CMRS providers are not subject to Section 251(b)(3), but this is irrelevant for purposes of this analysis.

²³ Metro One at 3.

under Section 332(c)(8). Metro One relies on a conclusory statement that wireless carriers do not currently permit access to competitive DA providers via alternative dialing patterns as a basis on which the Commission should find that subscribers are being denied the DA toll provider of their choice, and for the Commission to order 411 presubscription. Yet nothing today prevents wireless customers from dialing 8YY numbers or other recognized dial sequences to reach alternative DA providers. For instance, today wireless customers can call 00-, 1-800-CALL-ATT, or any of the other direct dial numbers that provide access to alternative DA providers.²⁴ In addition, there is no evidence in the record that there is demand for access to other DA service providers that would necessitate such drastic measures as the implementation of presubscription or unblocked access.²⁵

In fact, there are many sources for directory assistance, including the directory white and yellow pages, the Internet, ILECs and CLECs, PBX services, long distance carriers, mobile web applications, CD ROM, and the standard and enhanced DA offerings of multiple competing wireless carriers.²⁶ The Commission has long recognized this, finding that even before the 1996

²⁴ In some cases, Verizon Wireless customers that dial NPAs outside their local area combined with 555-1212 will get directory assistance in that NPA through a toll provider.

²⁵ *See* CWA at 1 (no consumer group has filed comments in this proceeding stating that there is demand for 411 presubscription); SBC at 25 (no evidence of consumer demand, as 60-80 percent make one or fewer DA calls per month); Sprint at 5 (92% voted against presubscription at specified rate); Verizon at 13 (there is no demand for presubscription; most customers never use DA service).

²⁶ *See, e.g.*, Cincinnati Bell at 2; CWA at 3; Verizon at 11-12.

Act, the DA marketplace had been competitive for decades.²⁷ The fact that a wireless customer cannot access each of these outlets for directory assistance from his or her wireless handset by dialing 411 does not diminish the fact that they exist as alternatives that are readily available to subscribers.

C. Title II Provides The Commission No Alternative Justification To Impose 411 Presubscription on Wireless Carriers

Metro One's attempt to base a 411 equal access presubscription requirement for wireless carriers on Title II is equally unavailing. As an initial matter, the duty to provide dialing parity and nondiscriminatory access to directory assistance contained in 47 U.S.C. § 251(b)(3) applies only to "local exchange carriers." As the Commission previously determined in the local

²⁷ Implementation of the Local Competition Provision in the Telecommunications Act of 1996, *Third Report and Order and Fourth Further Notice of Proposed Rulemaking*, 15 FCC Rcd 3696, ¶¶ 447-449 (In the context of declaring that DA should not be subject to unbundling requirements, Commission states that: "Competition in the provision of operator services and directory assistance has existed since divestiture."); *see also* Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Provision of Directory Listing Information under the Telecommunications Act of 1934, As Amended, *Third Report and Order*, 14 FCC Rcd 15550, 15645 (1999).

Although in the *Notice* the Commission is careful to note that it made this conclusion in the context of wholesale DA outlets, *Notice*, ¶ 13, it is unclear why similar competition in the retail market would not result. In the landline context, the FCC has found that a price squeeze that could exist if a provider of the wholesale DA inputs had monopoly power and set its wholesale rates to price its retail competitors out of business would not be possible where there were alternative outlets for wholesale inputs. *INFONXX v. New York Telephone, Memorandum Opinion and Order*, 13 FCC Rcd 3589, 3599 (1997) (price squeeze does not exist when competitive DA provider did not show that New York Telephone had bottleneck as the primary source of directory assistance information).

competition context, CMRS providers are not local exchange carriers,²⁸ making the requirements of Section 251(b)(3) inapposite.

Section 251(e)(1) requires the Commission to create or designate one or more impartial entities to administer telecommunications numbering and to make telephone numbers available on an equitable basis.²⁹ In fulfilling this statutory mandate, the Commission has identified two major goals: (1) to ensure that the limited numbering resources of the North American Numbering Plan are used efficiently, and (2) to ensure that all carriers have the numbering resources they need to compete in the rapidly growing telecommunications marketplace.³⁰ With

²⁸ 47 U.S.C. § 153(26) of the Act defines a local exchange carrier as “any person that is engaged in the provision of telephone exchange service or exchange access,” but “does not include a person insofar as such person is engaged in the provision of a commercial mobile radio service under Section 332(c)..., except to the extent that the Commission finds such service should be included in the definition of such terms.” In implementing the 1996 Act, the Commission decided not to treat CMRS providers as LECs. Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, *First Report and Order*, 11 FCC Rcd 15499, ¶ 1004 (1996).

²⁹ 47 U.S.C. § 251(e)(1).

³⁰ Numbering Resource Optimization, *Report and Order and Further Notice of Proposed Rulemaking*, 15 FCC Rcd 7574, 7477(2000).

respect to N11 codes, the Commission has never extended this authority beyond the assignment and implementation of these codes.³¹ The Commission has stated in this context that:

Assignment means that a numbering plan administrator announces to the industry that a particular number will be used for certain, defined service. This warns current users of that number that they will need to relinquish their use of the number when the new assignment is implemented. Implementation involves, among other things: relinquishing current local uses for the number; preparing switches for the new, assigned use; modifying switches to route calls; and installing additional switching or other equipment required to provide the services contemplated.³²

The Commission has never relied on its authority to assign numbers as a basis to implement an equal access requirement for such codes. For example, the Commission specifically rejected a presubscription requirement for 711 access to Telecommunications Relay

³¹ See, e.g., Petition by the United States Department of Transportation for Assignment of an Abbreviated Dialing Code (N11) to Access Intelligent Transportation System (ITS) Services Nationwide; Request by the Alliance of Information and Referral Systems, United Way of America, United Way 211 (Atlanta, Georgia), United Way of Connecticut, Florida Alliance of Information and Referral Services, Inc., and Texas I&R Network for Assignment of 211 Dialing Code; The Use of N11 Codes and Other Abbreviated Dialing Arrangements, *Third Report and Order and Order on Reconsideration*, 15 FCC Rcd 16753 (2000) (Commission assigns 211 and 511 codes for community referral and traffic services, respectively); Use of the N11 Codes and Other Abbreviated Dialing Arrangements, *First Report and Order and Further Notice of Proposed Rulemaking*, 12 FCC Rcd 5572 (1997) (“311 Order”) (Commission assigns 311 for non-emergency numbers); The Use of N11 Codes and Other Abbreviated Dialing Arrangements, *Second Report and Order*, 15 FCC Rcd 15188 (2000) (“711 Order”). Verizon Wireless supports the assignment of the 411 code to carriers for purposes of DA service, but those parties favoring 411 presubscription ask the Commission to do much more than permanently assign the code for this use.

³² 311 Order, 12 FCC Rcd at 5575 n.7.

Service (“TRS”) when it assigned the 711 code.³³ The Commission reserved the possibility that it would consider presubscription for 711 access to TRS, although Verizon Wireless questions whether the Commission had the authority to order presubscription in the case of 711 as applied to wireless carriers because Section 332(c)(8) precludes such a result. In any event, when the Commission rejected the equal access presubscription proposal for 711, it recognized that it could not impose an equal access requirement without certain very specific showings. The Commission stated that it would only consider such a requirement if it would be technically feasible, economically viable, and in the public interest.³⁴ This standard cannot apply in this case, however, because the Commission did not consider presubscription for 711 pursuant to its 251(e) numbering authority but rather a requirement specific to its statutory obligations to implement TRS,³⁵ which clearly do not apply to the implementation of the 411 code. Even if this standard did apply, however, as demonstrated in Sections II and III below, 411

³³ 711 Order, 15 FCC Rcd at 15214. The Commission did not explicitly reject equal access when it assigned 311 for non-emergency services, but it recognized that there might be multiple requests for use of the code by, for example, city and county law enforcement agencies. 311 Order, 12 FCC Rcd at 5596. Rather than ordering equal access, the Commission let local jurisdictions decide which single entity the code would be used to access and ordered the surrender of the code for those using it for non-conforming uses. *Id.*

³⁴ 711 Order, 15 FCC Rcd at 15214.

³⁵ *Id.* at 15211. Section 225(c) of the Act, 47 U.S.C. § 225(c), requires TRS to be provided “individually, through designees, through a competitively selected vendor, or in concert with other carriers.”

presubscription for wireless carriers is not technically feasible or economically reasonable, and it is not in the public interest.³⁶

II. COMPETITION IS VIGOROUS IN THE CMRS MARKETPLACE FOR ALL SERVICES, INCLUDING DIRECTORY ASSISTANCE

In addition to the lack of a legal basis, the Commission should not adopt an equal access presubscription requirement for wireless 411 service because there is simply no need to do so, let alone the “compelling” need that must be shown before the Commission can impose wireless regulation. Wireless carriers have already developed DA services to compete with other carriers, and there is no evidence that these services do not respond to customer demand for DA services. As the Commission aptly stated when it implemented the 1993 Budget Act: “Success in the [wireless] marketplace thus should be driven by technological innovation, service quality, competition-based pricing decisions, and responsiveness to consumer needs – and not by strategies in the regulatory arena.”³⁷ The Commission should let the wireless marketplace decide how these DA services develop.

Metro One alleges that wireless carriers have “monopoly” control of access to 411, and that wireless carriers have the ability to leverage this monopoly control to preclude or thwart competition for alternative DA providers.³⁸ Metro One states that because wireless carriers do

³⁶ Metro One’s argument that Section 201 and 202 of the Act provide the Commission authority to mandate 411 presubscription also must fail. If the Commission does not have authority to order 411 presubscription pursuant to its specific authority, it cannot rely upon the general authority contained in Sections 201 and 202 for this purpose.

³⁷ Implementation of Sections 3(n) and 332 of the Communications Act; Regulatory Treatment of Mobile Services, *Second Report and Order*, 9 FCC Rcd 1411, 1420 (1994).

³⁸ Metro One at 7-9.

not permit access to competitive DA providers via alternative dialing patterns, subscribers are being denied the DA toll provider of their choice.³⁹ Metro One's claims are simply absurd.

With respect to Metro One's argument that wireless carriers have monopoly control of access to directory assistance, the Commission has already rejected the notion that carriers using the 411 code have "exclusive" use of the code. In the *U S WEST* case, the Commission found that nothing prohibits any carrier, including an ILEC, CLEC, or wireless carrier, that offers service to a customer to use the same nationally recognized number for DA services, and that an ILEC with dominant use of the 411 code will diminish as the marketplace becomes increasingly competitive.⁴⁰

The presence of vigorous CMRS competition, moreover, makes Metro One's claim that wireless carriers have a "monopoly" not credible. The latest available Commission report indicates that 259 million Americans, or almost 91% of the U.S. population, have access to three or more different wireless carriers, over 214 million, or 75% of the U.S. population, live in areas with five or more mobile telephone operators, and 133 million, or 47% of the population can choose from at least six different wireless carriers.⁴¹ These providers are not just offering voice services. According to an informal survey of competitive DA service offerings based on company websites, Verizon Wireless, AT&T Wireless, Sprint PCS, Nextel, and Cingular all

³⁹ *Id.* at 9.

⁴⁰ Petition of U S WEST Communications, Inc. for a Declaratory Ruling Regarding the Provision of National Directory Assistance; Petition of U S WEST Communications, Inc. for Forbearance; The Use of N11 Codes and Other Abbreviated Dialing Arrangements, *Memorandum Opinion and Order*, 14 FCC Rcd 16252, 16276-77 (1999).

⁴¹ Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993, Annual Report and Analysis of Competitive Market Conditions With Respect to Commercial Mobile Services, *Sixth Report*, 16 FCC Rcd 13350, 13355 (2001).

offer national directory assistance and some form of enhanced directory assistance service such as searches for movie listings, restaurant guides, sports scores, stock quotes, directions, and weather conditions.⁴²

III. 411 PRESUBSCRIPTION IS NOT TECHNICALLY FEASIBLE OR ECONOMICALLY REASONABLE

Metro One proposes a series of steps to provide mandatory access to alternative DA providers. First, Metro One asks the Commission to order wireless carriers to implement 1010 dialing within 30 days of a request from a DA provider.⁴³ Metro One urges the Commission to require competitive DA providers to pay for the cost of switch translations and trunking that routes the call to the DA provider and any further trunking needed to complete the call.⁴⁴ Metro One next proposes that two other alternative dialing patterns should be implemented, 411 plus four digit CIC codes and 555-XXXX, followed by 411 presubscription, which Metro One argues could be implemented via Advanced Intelligent Network (“AIN”) 411 dialing, voice recognition unit (“VRU”), and toll free routing.⁴⁵ Although the technical constraints and costs of these proposals vary, each would pose unique difficulty to implement and should be denied.

A. 411 Presubscription Is Technically Infeasible For Wireless Networks

Wireless networks do not support AIN or VRU technologies and therefore could not implement 411 presubscription as described in Metro One’s comments. Although the cost of

⁴² See also Deborah Mendez-Wilson, *Fueling a Surge in Directory Assistance; Services Expected to Drive Wireless Subscriber Growth, Reduce Churn*, Wireless Week, Jan. 21, 2002, at 20.

⁴³ Metro One at 5.

⁴⁴ *Id.* at 6.

⁴⁵ *Id.* at 6-7.

implementing such network architectures is unknown, they could be expected to be prohibitive. The costs to undertake the presubscription process alone would be staggering.

1. AIN Is A Landline Standard That Is Unavailable in Wireless Networks

Wireless carriers today are unable to implement 411 presubscription using AIN architecture because wireless networks do not have AIN capabilities, and wireless switch infrastructure providers do not offer it. AIN allows intelligence to be placed centrally within a landline telephone network. Under the Metro One proposal, the switch would hold all 411 calls while queries are sent to a database that would provide routing information. Rather than the switch, the database would contain the subscriber-selected DA provider information. The network signaling that controls the call routing is managed using the AIN standards. This solution is not technically achievable, however, because AIN is a landline standard that is not supported in wireless networks today. Verizon Wireless is not aware of any efforts of wireless switch infrastructure providers to offer AIN for wireless networks. Although the costs of implementing AIN in wireless networks is unknown because it has not been proposed, costs could be expected to be hundreds of millions of dollars industry-wide, even assuming standards to support 411 presubscription could be developed.⁴⁶

2. Use of Voice Response Networks Require AIN

VRU refers to the use of a Voice Response Unit to eliminate the requirement for pre-subscription. Subscribers dialing 411 would be routed to a VRU, which would prompt the subscriber to speak or input his or her DA provider of choice based on options provided. The VRU would re-direct the call with routing instructions. This solution also depends on AIN

⁴⁶ The development of these standards is made more difficult for wireless networks than for wireline due to the complexities associated with roaming and call handoffs.

capabilities to provide call routing instructions for the telephone network. As noted above, wireless carriers do not have AIN capabilities, meaning wireless carriers cannot support VRU technology. VRU would require additional investment because not only would wireless carriers have to deploy AIN technology, which is not possible today, they would also have to purchase the VRU equipment to support this functionality.

3. Toll Free Routing Would Not Permit Call Completion

Metro One also proposes use of toll free routing as a means to support access to providers of competitive DA service. Routing of DA calls via toll free numbers, however, does not provide the capability for call completion to be supported back through the wireless network. As such, this would impact how end users experience the service if the competitive DA provider cannot support call completion to the requested number.⁴⁷ Metro One proposed that dedicated facilities would be used between the wireless carrier and DA call center, but these facilities could not be used to route calls via 8YY numbers. Moreover, if Metro One expects wireless carriers to handle customer billing, additional requirements would be necessary to provide billing records for wireless carrier billing systems. This would require development to support processing of these records.

4. Balloting Costs Alone Would Be High

If wireless carriers were required to offer competitive access to DA services, there would be a huge effort needed to inform customers and to market DA services on a stand-alone basis. Although it is impossible to estimate the cost of the time it would take to input the balloted information into billing systems, the process of sending out a ballot alone would be extremely

⁴⁷ As detailed above, wireless carriers could not be required pursuant to Section 332(c)(8) to provide service to non-carriers that do not offer call completion services.

costly. Verizon Wireless estimates that such an undertaking would cost tens of millions of dollars, and, given customer turnover, would be exceedingly difficult to implement.

B. Providing 1010 dialing, 411-ACIC, and 555-XXXX Dialing Would Impact Switch Performance and Would Be Costly

Verizon Wireless uses three Mobile Switching Center (“MSC”) vendors to support its wireless infrastructure, Lucent, Nortel, and Motorola. While technically Verizon Wireless could support the switch translations that would be necessary to support these dial strings for DA calls to be routed over dedicated facilities to competitive DA providers, this functionality could add potentially dozens of access numbers for DA. Today switch translations route 411 calls to a common path. Supporting these new access strings would require MSCs to perform translations at a more granular level, which could impact switch performance. The expansion of switch translations could also cause wireless carriers to reach limits on the size of switch translation tables, which could impact the ability to manage call routing for voice traffic or result in additional costs from the MSC vendors to expand switch translation tables, which might not even be possible.

Another potential difficulty with supporting competing DA providers through the use of alternative dial strings would be the impact this could have on the ability of wireless carriers to standardize network infrastructure and efficiently deploy technology as it evolves. Verizon Wireless is moving to support variations of the Telcordia Release Link Trunking (“RLT”) solution for DA throughout the entire network. When a wireless caller makes a 411 call today, the trunks to and from the DA provider must remain “set up” from the beginning of the call through call completion. RLT, which to date has only been used in landline networks but which Lucent and Nortel switch vendors have developed for wireless, removes the inefficiency of this arrangement by permitting the trunks to and from the DA provider to disengage once the DA

provider sends the wireless call back to the wireless switch for call completion.⁴⁸ The elimination of the use of an outbound call leg to the DA provider for information and a second call leg for call completion back to the wireless switch will save switch resources and facility costs and in some cases provides call completion for toll calls. Verizon Wireless is also in the process of preparing to deploy Signaling System 7 (“SS7”) for wireless DA, which is required to support some of the RTL variations. For DA providers to provide service compatibly with the various types of RLT technology, which may be non-standard and vary by switching infrastructure provider, they would have to develop and cover the cost of certification with these vendors to implement this efficient technology and to make these services consistent with Verizon Wireless-supported DA services.

These proposals may also create significant and complex billing issues. Competitive DA providers would need to support call signaling, which would permit Verizon Wireless to create the necessary billing records if Verizon Wireless would be expected to bill for these services. If DA providers could not support the required signaling, the DA provider would have to develop and support the ability for Verizon Wireless to accept call detail records. Given that Verizon Wireless has a number of billing systems, and that it is currently unknown the extent to which billing records might be necessary to support these services, it is difficult to estimate how costly this would be. Typically, however, modification to billing systems and other back office support systems has proven to be complex and expensive.

⁴⁸ This, of course, contemplates that Verizon Wireless will continue to perform the call completion function that it does today.

IV. CONCLUSION

Based on the forgoing, Verizon Wireless urges the Commission not to mandate costly, infeasible, and unnecessary presubscription and alternative access to 411 requirements.

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Dated: April 30, 2002